

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIS FLOYD WILEY,

Petitioner,

v.

NATHANIEL QUARTERMAN,

Respondent.

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CIVIL ACTION NO. H-06-2674

MEMORANDUM OPINION AND ORDER

State inmate Willis Floyd Wiley, proceeding *pro se*, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his 1994 state court felony conviction. A review of the court records for the United States District Court for the Southern District of Texas shows that petitioner filed a federal habeas petition challenging this conviction in *Wiley v. Johnson*, C.A. No. H-98-0930 (S.D. Tex.), which was dismissed on March 31, 1999 as barred by limitations.

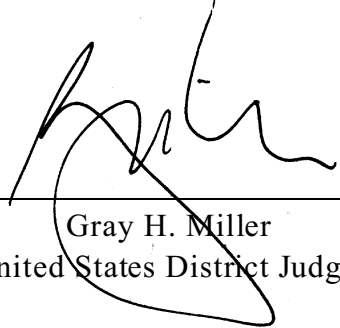
A district court may hear a claim not presented in a prior federal application only if the court of appeals issues an order of authorization. 28 U.S.C. § 2244(b)(3). Any claim that was raised in a prior federal habeas application is not subject to adjudication by the district court and must be dismissed. 28 U.S.C. § 2244(b)(1). This Court notes that the habeas grounds raised by petitioner in *Wiley* are substantially the same as those raised in the instant petition. Accordingly, petitioner was required to obtain an order of authorization from the Fifth Circuit Court of Appeals to raise these grounds by successive petition. No such

authorization is shown. To the extent petitioner now raises habeas grounds not presented in *Wiley*, he fails to show authorization from the Fifth Circuit to pursue this successive habeas.

Accordingly, this action is **DISMISSED** without prejudice to seeking authorization from the Fifth Circuit Court of Appeals to proceed on any new claims. A certificate of appealability is **DENIED**. Any and all pending motions are **DENIED AS MOOT**.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas on August 21, 2006.



Gray H. Miller
United States District Judge